

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

FLORIDA INSTITUTE FOR SALTWATER HERITAGE, INC., Manasota 88, Inc,
Cortez Historical Society, inc., Jane von Hahmann, Joseph McClash,
Joe Kane, and Linda Molto, Petitioners,

v.

Florida Department of Transportation, Respondent.

/

IN RE:A Chapter 120 challenge to the action for the Location and
Design Concept Acceptance for SR 684(Cortez Bridge and Approaches)
Project Development & Environment Study

PROJECT NAME:SR 684 (Cortez Bridge and Approaches) Project
Development & Environment (PD&E) Study on State Road(SR) 684 (Cortez
Road) from SR 789 (Gulf Drive) to 123rd Street West,

PETITION FOR FORMAL ADMINISTRATIVE HEARING

Petitioners all assert this petition to file is consistent with
F.S.120.569 Decisions which affect substantial interests. All
petitioners will have their substantial interest affected by the
agency action for the Location and Design Concept Acceptance for SR
684 (Cortez Bridge and Approaches) Project Development & Environment
Study for the 65 foot High Level-Fixed Bridge, for which permits this
bridge over the 35 foot bascule bridge. Petitioner's challenge to
this action by FDOT involves disputed issues of material fact;

applicable procedures are entitled under F.S.120.57(1).All petitioners are petitioning for a Formal Administrative Hearing, under Florida Statute §§ 120.569 and 120.57, Florida Statutes and in conformance with Florida Administrative Code Rule 28-106.201.

ManaSota-88, Inc.

Petitioner ManaSota-88, Inc. (hereinafter, "ManaSota-88") received notice on or about October 15, 2019 is a public interest environmental protection organization which is a Florida not-for-profit corporation and a citizen of the State of Florida whose address is: ManaSota-88, P.O. Box 1728, Nokomis, Florida 34274. The email address is manasota88@comcast.net and the telephone number is (941) 966-6256. The organization has more than 25 members in Manatee County and has been established for more than 1 year. Members recreate throughout the region including the area of the Cortez Bridge and have concerns that the fixed span bridge will impact environmental, aesthetic, cultural and natural resources. Additionally, ManaSota-88 and its members will be immediately substantially and adversely affected by the conditions and activity which will result if this project is completed with a 65 foot High Level-Fixed Bridge, including degradation of the environmental resources and water quality of surface waters. ManaSota-88 owns real property located in Manatee County, Florida.

The corporate purposes of ManaSota-88 include the protection and preservation of water quality and wildlife habitat in Manatee and Sarasota Counties. ManaSota-88 is a citizen of the State of Florida pursuant to section 403.412(6), Florida Statutes may initiate this challenge.

FLORIDA INSTITUTE FOR SALTWATER HERITAGE, INC.

Petitioner FLORIDA INSTITUTE FOR SALTWATER HERITAGE, INC (FISH) mailing address P.O. Box 606 CORTEZ, FL 34215 received notice on or about October 15, 2019. FISH is an active Florida non profit 501(c)3 corporation since 1991, and is in good standing at the following address 4515 124TH STREET W CORTEZ, FL 34215. The organization has more than 25 members in Manatee County and has been established for more than 1 year. Members recreate throughout the region including the area of the Cortez Bridge and have concerns that the fixed span bridge will impact environmental, aesthetic, cultural and natural resources. The corporate purposes of FLORIDA INSTITUTE FOR SALTWATER HERITAGE, INC include the protection and preservation of water quality and wildlife habitat in Manatee County. FISH is "Dedicated to the promotion, education and preservation of Cortez and Florida's commercial fishing and other traditional maritime cultures including the environment upon which these communities depend." The 65 foot High Level-Fixed Bridge will impact the maritime culture of the

fishing village of Cortez, and its fishing industry. FISH pursuant to section 403.412(6), Florida Statutes may initiate this challenge.

Cortez Village Historical Society

Cortez Village Historical Society whose address is PO Box 663, Cortez, FL 34215, was founded November 8, 1984 by Mary Fulford Green and Linda Molto and is a 501(c)3 corporation with over 25 members from Manatee County. The importance of our organization is preserving the history of the last remaining active fishing village of the west coast of Florida. The village attained Federal Historic Status in 1995 and works to retain the lifestyle and image of an active maritime area in the twentieth century. The 65 foot High Level-Fixed Bridge will create immediate harm to the Historical Fishing Village of Cortez. Cortez Village Historical Society pursuant to section 403.412(6), Florida Statutes may initiate this challenge.

PETITIONER JOSEPH MCCLASH

Petitioner, JOSEPH MCCLASH, asserts standing as a petitioner under sections 120.569, 120.57 Florida Statutes and asserts that the proposed action of a 65 foot High Level-Fixed Bridge immediately affects the petitioner's substantial interest in the use of the navigation waters at the Cortez Bridge with a sailboat having a mast

height of 60 feet, and a use within the zone of interest that the statutes, rules and proceeding are intended to protect, and will pose an immediate threat of an injury to him by limiting his future use of the navigational waters he has enjoyed for over 30 years and plans to use in the future. The action creates harm to the aesthetic areas he enjoys surrounding the Cortez Bridge, and future use (a 35 foot bascule bridge would not cause these impacts to his use). McClash also owns property at 115 Street and Cortez Road. Petitioner JOSEPH MCCLASH whose home and mailing address is 711 89 St NW, Bradenton Florida was made aware of the FDOT decision on or about October 15, 2019, made comments to FDOT, and is a citizen who resides in Manatee County, Florida. As a County Commissioner in representing bridge options to Anna Maria Island, he was involved in a compromise that the Anna Maria Bridge on SR64 would be a fixed bridge and the Cortez Bridge a bascule bridge to avoid future challenges. This agreement involved FDOT, Katie Pierola as Mayor of the City of Bradenton Beach, and Mr. McClash in the early 1990's.

PETITIONER Jane von Hahmann

Jane von Hahmann, asserts standing as a petitioner under sections 120.569, 120.57 Florida Statutes and asserts that the proposed action immediately affects the petitioner's substantial interest, has made comments and attended hearings, and has resided at 4428 119th St. W. in the village of Cortez for 43 years, owns commercial and

residential rental property in the village around 119th St W and 124th St.Ct.W. in Cortez. This action within her zone of interest, impacts her quality of life, her environment, financial well being and the preservation of the intact village (neighborhood) of Cortez she currently enjoys and intends to do so in the future.

PETITIONER Joe Kane

Joe Kane is a resident of Cortez for over 20 years, the action is within the zone of interest, the proposed action immediately affects the petitioner's substantial interest, has made comments and attended hearings, and resides at Fewville, named after the Few family. It's a tiny village within the historical village of Cortez, with a grass driveway that's lined with royal palms. Kane is a low income resident and has physical limitations. The 65 foot High Level-Fixed Bridge agency action decision will impact his mobility, and his quality of life he currently enjoys and intends to do so in the future, versus a 35 foot bascule bridge that would not impact his life.

PETITIONER Linda Molto

Linda Molto is a 32 year resident of Cortez, the action is within the zone of interest, the proposed action immediately affects the petitioner's substantial interest she currently enjoys and intends to

do so in the future, has made comments and attended hearings, residing at 4519 124th St. W. Cortez FL in the Pringle house; one of the oldest houses in the village. Originally a shop and then a post office, it was purchased by Lemuel and Bessie Pringle after the 1921 hurricane. The 65 foot High Level-Fixed Bridge decision will impact her directly at the base of the 65 foot bridge, creating a dangerous intersection of offsetting streets, with no safe pedestrian crossing along with unacceptable increase noise levels. This impacts her quality of life versus a 35 foot drawbridge that would not impact or change her life. The 65 foot High Level-Fixed Bridge creates a divide in her neighborhood with a wall like structure, increases the distance of the bridge which would limit her mobility walking to Bradenton Beach, and changes the aesthetics of the village of Cortez in contravention of the County's Land Use restrictions. Ms Molto is a low income resident which the bridge will impact.

Zone of Interest

All Petitioners use the area within and surrounding the proposed Cortez Bridge and or have a substantial interest in the action of the decision by FDOT and would be immediately impacted by the 65 foot High Level-Fixed Bridge replacement bridge.

General Information

1. For purposes of this proceeding, Joseph McClash is acting as the Qualified Representative for all the Petitioners, and has permission to file the petition on their behalf. His mailing address is 711 89th St. NW Bradenton FL 34209 and will accept electronic service at email address: joemcclash@gmail.com. Petitioner's Telephone Number: For purposes of this proceeding is 941.915.0684.
2. At issue is the environmental review, consultation, and other actions required by the State of Florida, applicable federal environmental laws for this project are being, or have been, carried out by FDOT pursuant to 23 U.S.C. §327 and a Memorandum of Understanding dated December 14, 2016 and executed by the Federal Highway Administration and FDOT resulting in the acceptance of the 65 foot High Level-Fixed Bridge as the preferred alternative for replacement of the existing structure, essentially permitting a 65 foot bridge for which was based on disputed facts contained herein.
3. The county in which the subject matter is located: Manatee County
4. The proposed location for Formal Administrative Hearing: Manatee County Florida
5. The action/permit challenged: The Florida Department of Transportation (FDOT) Office of Environmental Management (OEM) granted Location and Design Concept Acceptance (LDCA) for the SR 684 (Cortez Bridge and Approaches) Project Development & Environment

(PD&E) Study on State Road (SR) 684 (Cortez Road) from SR 789 (Gulf Drive) to 123rd Street West, a distance of about one mile in Manatee County, Florida. The study documented the evaluation of the No-Build (Repair), Rehabilitation, and Replacement Alternatives for the existing low-level drawbridge over Sarasota Bay. The study concluded that the Preferred Alternative is the replacement of the existing bridge with the 65-foot High-Level Fixed Bridge Alternative. Notice to the community was on or about October 15, 2019, and this is when petitioners knew of the action by FDOT. The acceptance of the Preferred Alternative is an action/permit by FDOT for the 65-foot High-Level Fixed Bridge. An action objected to by over 60 percent of the responses collected by FDOT.

MATERIAL FACTS DISPUTED BY THE PETITIONER,

WHICH WARRANT MODIFICATION OR REVERSAL.

1. Whether the FDOT formal public hearing was done in accordance with information required to provide the public alternatives without bias towards a 65 foot High Level-Fixed Bridge.
2. Whether the FDOT in its analysis represented an accurate representation to make a decision of the people not in favor of the 65 foot High Level-Fixed Bridge (*Of the responses received, 50% favored the No-Build (Repair) Alternative, and 38% favored bridge*

replacement. Of the responses that favored replacement, 75% favored the 65-foot High-Level Fixed-Bridge Alternative and 24% favored the 35-foot Mid-Level Drawbridge Alternative.) The actual facts are that over 60 percent were opposed to the 65 foot replacement bridge not 75 percent in favor, when factoring those who responded in favor of the "No-Build (Repair) Alternative".

3. Whether the FDOT in its analysis represented accurately the mast height of vessels and that the 65 foot High Level-Fixed Bridge is a minimum height and may exceed 65 feet. The USCG has a minimum height required of 65 feet which do not consider increase in sea level. FDOT failed to demonstrate the impact of a 70 foot or 75 foot bridge which could be what the final design permits. A 65 foot bridge also would restrict over 10 percent of the vessels versus the 2 percent stated. A 35 foot drawbridge would not restrict any vessel height. The study also does not include regional transit of vessels. Petitioner McClash has navigated vessels with a mast height of 85 feet within the past few years. The study does not record this mast height and states erroneous information on draft of vessel versus mast height.

4. Whether the FDOT in its analysis represented accurately the reduction in openings for a 35 foot drawbridge. The data for bridge openings does not accurately depict future openings. No specific facts were included as to all the type of boats that passed in one opening. A 35 foot drawbridge could allow a decrease of openings for more than FDOT presented if the accurate facts were presented.

5. Whether the FDOT in its analysis represented accurately the increased level of service for the 65 foot High Level-Fixed Bridge compared to the 35 foot bridge. A 65 foot High Level-Fixed Bridge would attract more traffic than a bascule bridge. The traffic study does not review the level of service accurately, evaluating the beaches and islands as a major attractor. Absent the openings there is no fact to support any level of service improvements from D to B with a fixed bridge.

6. Whether the FDOT in its analysis represented accurately the impacts to the society and economic impacts to the historical village of Cortez. The 35 foot drawbridge with different project limits than the 65 foot high level fixed bridge, which would have resulted in less impacts on the village of Cortez.

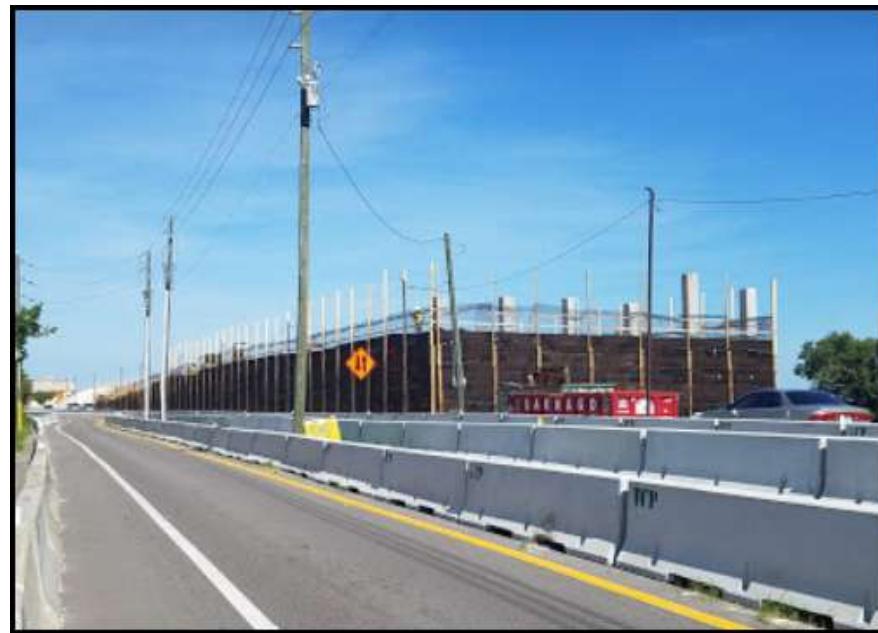
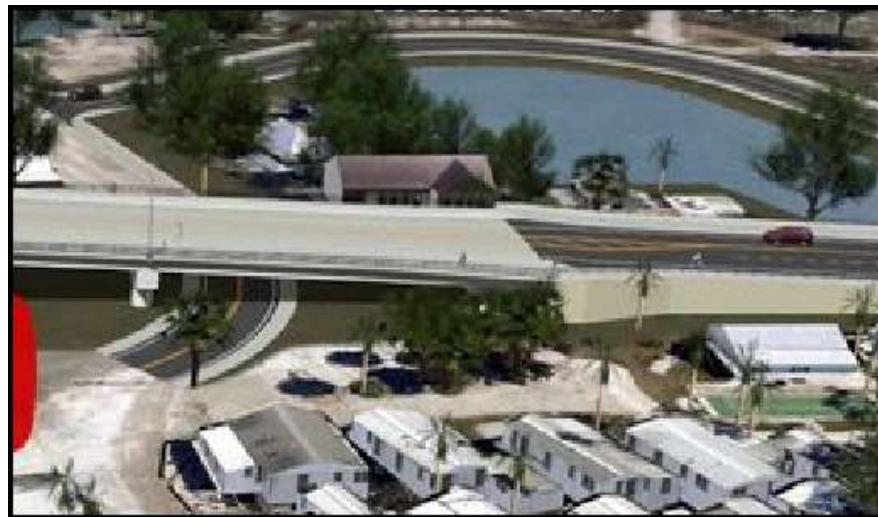
7. Whether the FDOT in its analysis complied with Project Development and Environment Manual *PART 2, CHAPTER 5 for AESTHETIC EFFECTS* *including the wall effect on residential structures and preservation especially given the Federal Historic District designation of Cortez including:*

1. *Are there noise or vibration sensitive sites near the project?*
2. *Is the project likely to affect a vista or view-shed?*
3. *Does the project blend visually with the area?*
4. *Is the project adjacent to any community focal point?*

5. Is the project likely to be perceived as being compatible and in character with the community's aesthetic values?

6. What feature(s), if any, of the project might be perceived by the community as inconsistent with the character of that community?

Below are an image of FDOT's graphic versus a picture of the FT. Desoto 65 foot fixed bridge with similar design and 5% grade.



8. Whether pursuant to **23 United States Code (U.S.C.) § 327**, the FDOT in its analysis complied with the requirements for a socio-cultural effects evaluation (SCE) process assessing social, economic, land use changes, mobility, aesthetics effects and relocations, including potential issues associated with Environmental Justice, Civil Rights, and other nondiscrimination laws, and whether the project benefits and effects on communities were assessed in the SCE evaluation with special consideration for minority, low-income, and other potentially under-represented populations.

9. Whether the FDOT in its analysis complied with the requirements for a socio-cultural effects (SCE) information gathered through a SCE evaluation process and failed to carry forward and use this information as required to support a decision of acceptance of the location and design concept of a 65 foot High Level-Fixed Bridge.

10. Whether the FDOT in its analysis complied with the requirements for a SCE evaluation process, an important part of the PD&E Study to comply with Council on Environmental Quality (CEQ) regulations **40 Code of Federal Regulations (CFR) §§ 1500-1508**, which requires federal agencies to use all practicable means, consistent with the requirements of the **NEPA, to avoid or minimize any possible adverse effects of their actions upon the quality of the human environment.**

Listed are the requirements to evaluate:

Social	Land Use Changes	Aesthetic Effects
<ul style="list-style-type: none"> • Demographics • Community Cohesion • Safety/Emergency Response • Community Goals • Quality of Life • Special Community Designations 	<ul style="list-style-type: none"> • Land Use – Urban Form • Local Plan Consistency • Open Space • Sprawl • Focal Points 	<ul style="list-style-type: none"> • Noise/Vibration • View-shed • Compatibility
Economic	Mobility	Relocation Potential
<ul style="list-style-type: none"> • Business & Employment • Tax Base • Traffic Patterns • Business Access • Special Needs Patrons 	<ul style="list-style-type: none"> • Modal Choices <ul style="list-style-type: none"> ◦ Pedestrian ◦ Bicyclists ◦ Transit • Transportation Disadvantaged • Connectivity • Traffic Circulation • Public Parking 	<ul style="list-style-type: none"> • Residential • Non-Residential • Public Facilities

11. Whether the FDOT in its analysis of the PD&E complied with the requirements for the SCE evaluation that considers potential effects, both positive and negative, on the socio-cultural (or human) environment including Environmental Justice, Civil Rights, and related issues.

12. Whether the FDOT in its analysis of the PD&E considered the six SCE issues required to be discussed in the Environmental Document to show when and how they were considered in project decision making. Even if no involvement for a particular issue is indicated, then a statement to that effect must be included in the Environmental Document which does not appear to exist. The six issues are within Table 4-2 -Topic No.

650-000-001 Project Development and Environment Manual Socio-cultural Effects Evaluation Effective: January 14, 2019

13. Whether the FDOT in its analysis of the PD&E considered the three

general types of effects evaluated as defined by CEQ regulations **40**

CFR §§ 1500-1508: Direct, indirect and cumulative effects.

14. Whether the FDOT in its analysis of the PD&E accurately determined "Neighborhoods (or portions thereof) will not be isolated as existing side street and driveway access will be maintained to the extent practicable, or replaced/relocated as necessary." The 65 foot bridge creates a wall between north and south Cortez, isolating neighborhoods.

15. Whether the FDOT in its analysis of the PD&E accurately determined that "Overall, land use changes are not expected to be significant." The land to the south of the 65 foot High Level-Fixed Bridge will impact residences, diminishing quality of life with an aesthetic change, increased noise and shading, causing a significant change in land use. A 35 foot drawbridge would have no impact on land use changes versus the 65 foot High Level-Fixed Bridge.

16. Whether the FDOT in its analysis of the PD&E accurately determined that "Therefore, impacts to aesthetics effects are not expected to be significant." The structure of a 65 foot High Level-Fixed Bridge creates a 20 foot or higher wall, and the high rise bridge creates a commercial structure not in compliance with the County's land use vision for the historical village of Cortez and forever changes dramatically the view within the historical districts of Cortez and Bradenton Beach.

17. Whether the FDOT in its analysis of the PD&E considered if there is a disproportionately high and adverse effect on minority or low-income populations, after taking benefits and mitigation into account, evaluate whether there are practicable mitigation measures or alternatives that would avoid or reduce the disproportionately high and adverse effects [**USDOT Order 5610.2(a)**]. No detailed income analysis was done for the village of Cortez. A 35 foot bascule bridge would not impact this population versus the decision made for a 65 foot high-level bridge.

18. Whether the FDOT within the PD&E document made as required, a **Determination of No Adverse Effects** "No minority or low-income populations have been identified that would be adversely impacted by the proposed project, as determined above. Therefore, in accordance with the provisions of **Executive Order 12898** and **FHWA Order 6640.23a**, no further Environmental Justice analysis is required." A 35 foot bascule bridge would not impact this population versus the decision made for a 65 foot high-level bridge.

19. Whether the FDOT in its recommendation of a 65 foot High Level-Fixed Bridge fails to comply with the County's Land Development Code for design criteria in the village of Cortez especially in creating a wall structure that could be avoided with a 35 foot bridge, and whether the design complies with the community's vision. A 35 foot bascule bridge would avoid impacts and not violate the code's intent versus the decision made for a 65 foot high-level bridge.

20. Whether the FDOT in its analysis represented accurately, informing the public of the impact of noise and potential sound walls required. Walls from 8 to 18 feet may be required to mitigate sound. No visual or design concepts were presented. The sound study is bias to a 65 foot High Level-Fixed Bridge in creating a comparison of impacts for a 35 foot drawbridge. The project limits of a 35 foot drawbridge replaced within the same touchdown of the existing bridge would have fewer impacts than the 65 foot High Level-Fixed Bridge. Also the 65 foot High Level-Fixed Bridge by increasing the height of over 20 feet next to residences with a wall creates structure that avoids a noise wall, but essentially builds a sound wall as part of the bridge elevated structure. The action for also increases noise of engine braking not considered within the noise study.

21. Whether the FDOT should have provided additional information and studies for mitigating noise at public informational meetings and before elected officials, and further changed project limits of the noise study based on the touchdown of the bridge options. Sound walls were not shown as part of video presentations or height of walls with location contained on design concepts.

22. Whether the FDOT based on the traffic noise analysis, demonstrated accurately the consideration of noise barriers to mitigate traffic noise impacts, and the consideration of construction noise impacts. These barriers were not made part of the presentations

and will cause further impact to the aesthetics and isolate neighborhoods. Since the 35 foot drawbridge and 65 foot High Level-Fixed Bridge have different design concepts, each concept noise impacts with mitigation should have been part of the public information required to comply with the PD&E requirements and failing to provide this critical information fails to provide a PD&E consistent with federal guidelines.

23. Whether the FDOT took into consideration flood and wave impacts for a design of the 65 foot High Level-Fixed Bridge versus a 35 foot with and without noise walls. The 65 foot bridge would create more impacts from waves and flood events than a 35 foot bridge. These types of impacts from a 65 foot bridge will negatively impact properties that a 35 foot drawbridge would not. A study of the impacts of flood and wave should have been presented to the public.

24. Whether the FDOT failed to produce accurate information at the meetings of the Manatee County Commission, City of Bradenton Beach and the Sarasota Manatee MPO. Presentation material presented to the elected officials did not contain critical information to evaluate the different design options, and did not include the impacts of a noise walls or the wall effect of the bridge within the Cortez historical village. The videos relied upon were bias to a 65 foot High Level-Fixed Bridge, too much reliance was made on what was on a website.

25. Whether the FDOT action is contrary to the agreement between the

cities of Bradenton Beach and Holmes Beach and Manatee County and FDOT, establishing a compromise that the Anna Maria Bridge/SR64 would be a fixed bridge and the Cortez Bridge to maintain a bascule bridge when the bridges were replaced. Commissioner McClash, then Mayor Whitmore now County Commissioner and at the time Katie Pierola were parties to this agreement. The agreement was put in place to avoid a challenge to the bridges.

Statement of the Ultimate Facts

The 65 foot High Level-Fixed Bridge accepted by FDOT did not meet the requirements required for the action by FDOT for the Location and Design Concept Acceptance for SR 684 (Cortez Bridge and Approaches) Project Development & Environment Study pursuant to **23 United States Code (U.S.C.) § 327** and the implementing Memorandum of Understanding (MOU) executed on December 14, 2016, the Florida Department of Transportation (FDOT). The 65 foot High Level-Fixed Bridge accepted by FDOT would have more impacts than the PD&E study represented; dividing an intact neighborhood, dividing and creating negative aesthetic impacts to a Federally designated Historical District, direct, indirect, and cumulative impacts to the last remaining working fishing village on the west coast of Florida, create an unsafe roadway intersection, restrict vessels, and create other undisclosed direct, indirect, cumulative impacts such as tax base reductions.

Furthermore, action is not consistent, pursuant to **23 United States Code**

(U.S.C.) § 327 and the implementing Memorandum of Understanding (MOU) executed on December 14, 2016, the Florida Department of Transportation (FDOT) has assumed and Federal Highway Administration (FHWA) has assigned its responsibilities under the **National Environmental Policy Act (NEPA)** for highway projects on the State Highway System (SHS) and Local Agency Program (LAP) projects off the SHS (**NEPA** Assignment). In general, FDOT's assumption includes all highway projects in Florida which source of federal funding comes from FHWA or which constitute a federal action through FHWA. **NEPA** Assignment includes responsibility for environmental review, inter-agency consultation and other activities pertaining to the review or approval of **NEPA** actions. Consistent with law and the MOU, FDOT will be the Lead Federal Agency for highway projects with approval authority resting in the Office of Environmental Management (OEM).

The 65 foot High Level-Fixed Bridge does not meet the criteria and vision within the Manatee County Land Development Codes and the vision for Historical Village of Cortez.

The 65 foot High Level-Fixed Bridge creates a dangerous intersection, and will not reduce the number of trips on the bridge to warrant a fact of a change in level of service from D to B.

Any other specific facts also included MATERIAL FACTS DISPUTED BY THE PETITIONER, WHICH WARRANT MODIFICATION OR REVERSAL.

Rules and Statutes that the Petitioner Contends Require

Reversal or Modification of Agency Action

FDOT has not complied with **23 United States Code (U.S.C.) § 327** – evaluating sociocultural effects (SCE).

FDOT has not complied with **23 United States Code (U.S.C.) § 327** and the implementing Memorandum of Understanding (MOU) executed on December 14, 2016, the Florida Department of Transportation (FDOT) has assumed and Federal Highway Administration (FHWA) has assigned its responsibilities under the **National Environmental Policy Act (NEPA)** for highway projects on the State Highway System (SHS) and Local Agency Program (LAP) projects off the SHS (**NEPA** Assignment). In general, FDOT's assumption includes all highway projects in Florida which source of federal funding comes from FHWA or which constitute a federal action through FHWA. **NEPA** Assignment includes responsibility for environmental review, inter-agency consultation and other activities pertaining to the review or approval of **NEPA** actions. Consistent with law and the MOU, FDOT will be the Lead Federal Agency for highway projects with approval authority resting in the Office of Environmental Management (OEM).

FDOT has not complied with SCE evaluation process, an important part of the PD&E Study to comply with Council on Environmental Quality (CEQ) regulations **40 Code of Federal Regulations (CFR) §§ 1500-1508**, which requires federal agencies to use all practicable means,

consistent with the requirements of the **NEPA**, to avoid or minimize any possible adverse effects of their actions upon the quality of the human environment.

FDOT has not complied with **USDOT Order 5610.2(a)**.

FDOT has not complied with **Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations**.

FDOT has not complied with **FHWA Order 6640.23a**.

FDOT acceptance for a 65 foot bridge violates Manatee County Land Development Code

FDOT in its action failed to include information relating to a No-Rise Certificate and floodplain compensation calculations.

FDOT in its action failed to include a wave modeling and impacts.

Requested Action

Rescind the action by The Florida Department of Transportation (FDOT) Office of Environmental Management (OEM) granting of Location and Design Concept Acceptance (LDCA) for the SR 684 (Cortez Bridge and Approaches) Project Development & Environment (PD&E) Study on State Road (SR) 684 (Cortez Road) from SR789 (Gulf Drive) to 123rd Street West.

/s/ JOSEPH MCCLASH, as petitioner and
Qualified Representative for Petitioners
711 89 St NW, Bradenton Florida
joemcclash@gmail.com C – 941.915.0684

Verification of Petitioner

STATE OF FLORIDA

COUNTY OF

MANATEE

Under penalties of perjury, I declare that I have read the foregoing Petition and that the facts stated in it are true based upon my personal knowledge and that the activity, conduct, or product to be licensed or permitted has the effect of impairing, polluting, or otherwise injuring the water or other natural resources of the state,

Florida Statutes, Section 403.412.

SIGNATURE

PRINT: Jane W von Hahnau

NOTARY PUBLIC

Sworn to and subscribed before me this 23rd day of October,
2019.

By: Kim McVey
Notary Public

State of Florida

County of Manatee

